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(1896-1983)
FRANK C. PAINTER
(1905-1976)

September 22, 1995

Mr. Stephen Mason
United States Environmental
Protection Agency
Region Five
77 W. Jackson Boulevard
Chicago, Illinois 60604-3590

Dear Mr. Mason:

**Re: Albion Sheridan Township Landfill Superfund Site
Albion, Michigan**

We represent Decker Manufacturing Corporation, 703 North Clark Street, Albion, Michigan. The EPA has identified Decker as a PRP with regard to cleanup of the above-mentioned landfill. By this letter, we are requesting that Decker be considered for a *De Minimus* or a *De Micromis* settlement under 42 USC §9622(g).

Accompanying this letter is an affidavit from Mr. Bernard Konkle, Sr., president and chief executive officer of Decker. I believe this affidavit is responsive to the questions raised by the agency in its letter to Decker of November 14, 1994, and also sets forth facts which qualify Decker for consideration for a *De Minimus* or *De Micromis* settlement. These facts indicate that any hazardous material placed into this landfill by Decker are either non-existent or negligible in amount. Under §101(14) of CERCLA, petroleum, such as the cutting oil disposed of by Decker, is excluded from the definition of hazardous substances. The MSDS for the Flor-Dri also reveals it not to be a hazardous substance. Decker at no time disposed of materials containing metal plating

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Mr. Stephen Mason
September 22, 1995
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If there is any further material you require or questions you have, please feel free to contact us.

Very truly yours,

BULLEN, MOILANEN,
KLAASEN & SWAN, P.C.

By 
Terry J. Klaasen

jml
Encl

cc Mr. Bernard Konkle, Sr.

AFFIDAVIT

STATE OF MICHIGAN)
)ss.
COUNTY OF CALHOUN)

BERNARD KONKLE, SR., being first duly sworn, deposes and says as follows:

1. That he is the president and chief executive officer of Decker Manufacturing Corporation, 703 N. Clark Street, Albion, Michigan 49224 (hereafter referred to as "Decker").

2. That Decker is engaged in the business of manufacturing cold headed industrial fasteners, which are parts made by a forging process called cold heading or cold forming. Using this process, Decker produces steel nuts and pipe plugs from carbon steel wire on equipment referred to as cold nut formers. Pages from catalogs showing products and descriptions are attached hereto and incorporated herein.

3. The nut formers and thread tappers used in Decker's manufacturing process use cutting oil, which is recycled and used over and over again. Metal shavings are spun out or filtered out of the oil and sold to a scrap metal dealer.

4. A small amount of oil splatters or is spilled onto the floor and is cleaned up and absorbed through use of a granulated absorbing material called Flor-Dri. A material safety data sheet for the Flor-Dri used by Decker is attached hereto and incorporated herein.

5. Over time, a sludge collects in the oil reservoirs on the machines. This sludge was periodically removed from the reservoirs and disposed of in the Albion - Sheridan landfill. This

would absorb. Disposition of this material occurred during the period of time that the Albion Sheridan landfill was open.

8. Decker at no time disposed of materials containing metal plating sludges, chromium, zinc, nickel, lead, paint waste, ethyl benzene, toluene, tetrachloroethylene, 1, 1, 1 trichloroethane, or xylene.

Bernard Y. Konkle, Sr.
Bernard Konkle, Sr.

Subscribed and sworn before me this
10th day of October,
1995.

Thomas W. Konkle
Notary Public,
Calhoun County, Michigan
My Commission Expires: 5/4/98

THOMAS W. KONKLE
Notary Public, Calhoun County, Michigan
My Commission Expires May 4, 1998

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

Form Approved
OMB No. 14-21387

Prepared 5/29/85
by
J. W. Ingemanson

MATERIAL SAFETY DATA SHEET

Required under USDL Safety and Health Regulations for Ship Repairing,
Shipbuilding, and Shipbreaking (29 CFR 1915, 1916, 1917)

SECTION I

MANUFACTURER'S NAME Bowers-Siemon Chemicals Co.		EMERGENCY TELEPHONE NO. (815) 634-2345
ADDRESS (Number, Street, City, State, and ZIP Code) 235 East Oak St. Coal City, Illinois 60416		
CHEMICAL NAME AND SYNONYMS Lime filled Calcium Soap		TRADE NAME AND SYNONYMS CHM
CHEMICAL FAMILY Calcium Soap	FORMULA Proprietary	

SECTION II - HAZARDOUS INGREDIENTS

PAINTS, PRESERVATIVES, & SOLVENTS	%	TLV (Units)	ALLOYS AND METALLIC COATINGS	%	TLV (Units)
PIGMENTS	NA		BASE METAL	NA	
CATALYST	NA		ALLOYS	NA	
VEHICLE	NA		METALLIC COATINGS	NA	
SOLVENTS	NA		FILLER METAL PLUS COATING OR CORE FLUX	NA	
ADDITIVES	NA		OTHERS		
OTHERS	NA				

HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES	%	TLV (Units)
Hydrated lime is insolubilized in a soap mixture rendering it nonhazardous. None of the formulation components are hazardous per OSHA regulations.		

SECTION III - PHYSICAL DATA

BOILING POINT (°F.)	NA	SPECIFIC GRAVITY (H ₂ O=1)	> 1.0
VAPOR PRESSURE (mm Hg.)	NA	PERCENT VOLATILE BY VOLUME (%)	< 3%
VAPOR DENSITY (AIR=1)	NA	EVAPORATION RATE (_____ =1)	Nil
SOLUBILITY IN WATER	Insoluble		
APPEARANCE AND ODOR	Granular dust with bland soap odor. Tan color.		

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (Method used)	300°F (COC)	FLAMMABLE LIMITS	Not flammable	Let	Uet
EXTINGUISHING MEDIA	Water, Foam, CO ₂ , or Dry Chemical				
SPECIAL FIRE FIGHTING PROCEDURES	none				
UNUSUAL FIRE AND EXPLOSION HAZARDS	none				

Florida

MATERIAL SAFETY DATA SHEET

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REACTIVITY DATA:

Stability: Stable

Incompatibility (materials to avoid): Heat generation may occur when the fuller's earth is mixed with a polyunsaturated liquid. We have observed a heat rise to 350°F. when FLORCO with 0.0% free moisture is mixed with turpentine, but there is no reaction if the FLORCO contains 5% free moisture.

SPILL OR LEAK PROCEDURES:

Spill Procedures: No special precautions required.

Waste Disposal Methods: Dispose in accordance with federal, state, and local regulations for the material and for the liquid absorbed. When a polyunsaturated liquid is absorbed, place in covered metal container to avoid spontaneous combustion.

SPECIAL PROTECTION INFORMATION:

Ventilation: Use sufficient local exhaust to reduce the dust to the PEL for respirable quartz.

Protection gloves: Optional

Eye Protection: Protect from dust particles.

Respiratory Protection: Use NIOSH approved dust mask respirator under appropriate OSHA standards and regulations.

SPECIAL PRECAUTIONS:

Use appropriate systems for handling, storage, and clean up so that air borne dust does not exceed the PEL. Use adequate ventilation and dust collection. Practice good housekeeping.

ISSUE DATE: October, 1985

The information and recommendations contained herein are based upon data believed to be correct. However, no guarantee or warranty of any kind, expressed or implied, is made with respect to the information contained herein.